

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32709 of 2007(R)

**AGAINST THE ORDER IN IA 1514/06 IN
OS.539/2004 of MUNSIF COURT, NORTH PARAVUR**
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PETITIONER:

**PARAVUR ST.THOMAS JACOBITE SYRIAN CHURCH
REPRESENTED BY ITS SECRETARY, JACOB,
S/O.ABRAHAM, EARALIL HOUSE, AMMAN KOVIL ROAD,
NORTH PARAVUR.**

BY ADV. SRI.P.RADHAKRISHNAN

RESPONDENTS:

- 1. JOY KURIAN, S/O.KURIAN MALIYAKAL
PERUMPADANNA MURI, PARAVUR VILLAGE,
PIN - 683 513.**
- 2. JANARDHANAN,
S/O.BALAN, CHULLIKKATTU
NANDHYATTUKUNNAM MURI, PARAVUR VILLAGE,
PIN - 683 513.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Kss

M.N.KRISHNAN, J

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W.P.(C) No.32709 OF 2007

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Dated this the 5th day of November 2007

JUDGMENT

This writ petition is filed to set aside Ext.P2 order and for a direction to consider Ext.P1 objection and Ext.P3 petition. Ext.P2 order is passed on an application which is filed for the purpose of receiving the objections to the Commissioner's plan and report. The learned Munsiff had dismissed it on the ground that the cause title shown is not correct. First of all the defect has to be pointed before numbering so that the party will get an opportunity to cure it. It is not correct to hold so after numbering the application and then dismiss it for defect.

Therefore, I set aside Ext.P2 order and direct the learned Munsiff to give an opportunity to the petitioner therein to correct the cause title and give notice to the other side and dispose it of in accordance with law. I also direct her to consider and dispose of Ext.P3 application after due notice to the parties and hearing both sides.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

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Cdp/-